



# THE BUBBLE GUM TRIAL

## Justice and the Old Courthouse Trial Packet

Grades 3-4



Prepared by the Museum Education Office

## INTRODUCTION

### BUBBLE GUM TRIAL

Your “Bubble Gum Trial Packet” includes a copy of the script for the Bubble Gum Trial that your group will be presenting, and also some information regarding trials overall. The trial in your packet was designed to introduce third and fourth grade students to the court process. This Old Courthouse program focuses on the fundamental concepts of rule making, point of view perception, critical thinking, decision making, and responsible behavior. In many ways the school classroom is like the community; rules of behavior are comparable to traffic regulations or community laws. We intend it to be a little bit serious, but also fun. Each group taking part in the trial activity will be allowed to reach their own verdict. Before your visit, have your group familiarize themselves with the script and also choose their parts for the trial. Members of your group who do not have specific parts may serve as part of the jury. Please make copies of the script and bring them with you on the day of your program. At the end of the program, the ranger assigned to your group will discuss the verdict, as well as the learning experience of the Bubble Gum Trial.

Any questions or comments on this Trial Packet are welcome. Contact the Director of Education at:

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## **List of Characters In Order of Appearance**

Bailiff

Judge

Clerk

Members of the Jury

Attorney for the School

Attorney for the Defense

Witness #1

Plaintiff: Teacher

Witness #2

Defendant: Person accused of chewing gum



- Bailiff: *(Rise and say loudly.) All rise. (Wait for class to stand.) The Honorable Judge (Say student's last name.) presiding.*
- Judge: *(Walk in and sit down.) You may be seated. The Clerk will place the Jury members under oath.*
- Clerk: *Members of the Jury, all rise. (Wait for Jury members to stand.) Raise your right hand. Members of the Jury, do you swear to deliberate your verdict today based on the evidence presented in this courtroom, and only on that evidence?*
- Jury: *(all together) I do.*
- Judge: *This case is (Say teacher's name.) versus (Say defendant's name.). The defendant is accused of chewing gum in (Say the teacher's name.) classroom. Are the attorneys ready with their opening statements?*
- Attorney for School: *(Rise, say to the Judge.) We are, your Honor. We will present evidence to show that the Defendant, (Say defendant's name.), was chewing gum in the classroom, which the Defendant knew to be against the school rules. (Sit down.)*
- Attorney for Defense: *(Rise, say to the Judge.) Your Honor, we believe there is not enough evidence to prove the Defendant, (Say defendant's name.), was chewing gum. (Sit down.)*
- Judge: *Will the Attorney for the School begin by calling your first witness?*
- Attorney for School: *(Rise.) We call (Say name of Witness #1.) to the stand.*
- Clerk: *(Rise.) Will (Say name of Witness #1.) please come forward?*
- Witness #1 *(Walk to the clerk and remain standing.)*



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Clerk: (Stand.) Raise your right hand. Do you swear to tell the truth, the whole truth and nothing but the truth, so help you God?

Witness #1: I do.

Clerk: You may be seated. (Return to seat.)

Attorney for School: (Move toward the witness stand.) Please state your name for the record.

Witness #1: (Say your real name.)

Attorney for School: Are you in (Say teacher's name.) class at (Say school name.)?

Witness #1: Yes.

Attorney for School: Does your school have a rule about chewing gum?

Witness #1: Yes. In September we were told that we could not chew gum in school.

Attorney for School: Did you see (Say defendant's name.) chew gum in class?

Witness #1: Yes, I did.

Attorney for School: How close do you sit to the defendant?

Witness #1: I sit right next to (Say him or her.).

Attorney for School: No other questions, your Honor. (Return to seat.)



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Judge: Would the Attorney for the Defense like to cross-examine the witness?

Attorney for Defense: *(Rise.)* Yes, your Honor. *(Move toward the witness stand.)* Did the teacher ever catch you chewing gum in school?

Witness #1: Not that I can remember.

Attorney for Defense: Do other students chew gum in school?

Witness #1: Some of them do.

Attorney for Defense: Have you ever seen any of your other classmates get caught chewing gum in school?

Witness #1: Some of them.

Attorney for Defense: Did you see gum in the defendant's mouth?

Witness #1: I saw *(Say his or her.)* mouth moving and it looked like *(Say he or she.)* was chewing gum.

Attorney for Defense: No further questions your honor. *(Return to seat.)*

Judge: *(Say to the Witness.)* You may return to your seat.

Witness #1 *(Return to seat in the audience.)*

Judge: Does the plaintiff have any other witnesses?

Attorney for School: *(Rise.)* Yes, your honor. We call the teacher.

Clerk: *(Rise.)* Will *(Say teacher's name.)* please come to the stand?



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Teacher:                    (*Walk to the clerk and remain standing.*)

Clerk:                     (*Stand.*) Raise your right hand. Do you swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

Teacher:                    I do.

Clerk:                     You may be seated. (*Return to seat.*)

Attorney for  
School:                    Please state your name for the record.

Teacher:                    (*Say teacher's name.*)

Attorney for  
School:                    Where do you teach?

Teacher:                    I teach at (*Say the name of your school.*)

Attorney for  
School:                    How long have you been teaching at that school?

Teacher:                    (*Say any number.*) years.

Attorney for  
School:                    Please state the rule on gum chewing in school.

Teacher:                    At the beginning of the school year, I told my students that they may not chew gum at school.

Attorney for  
School:                    Is that a new rule or an old one?

Teacher:                    The same rule has applied for many years.

Attorney for  
School:                    Please tell the court what you saw on the day the defendant is accused of chewing gum.



- Teacher: I was grading papers while the children were doing a math sheet. Out of the corner of my eye, I noticed a piece of paper fall to the floor by the defendant's desk. I looked up from my papers and saw that it was a gum wrapper.
- Attorney for School: Is this the wrapper that you saw fall to the floor by the defendant's desk? (*Holds up gum wrapper in plastic bag.*)
- Teacher: It looks like the same wrapper.
- Attorney for School: (*Say to the Judge.*) Your Honor, we ask that this gum wrapper be placed in evidence as Exhibit #1. (*Walk to clerk and hand the evidence bag to the clerk.*) (*Turn to the teacher.*) What did you do next?
- Teacher: I reminded (*Say student's name.*) about the no gum chewing rule.
- Attorney for School: How did (*Say he or she.*) respond?
- Teacher: (*Say He or She.*) looked down at the desk, swallowed hard, and denied that (*Say he or she.*) was chewing gum.
- Attorney for School: And then what happened?
- Teacher: I asked (*Say student's name.*) to pick up the gum wrapper.
- Attorney for School: How did (*Say he or she.*) respond?
- Teacher: (*Say student's name.*) said the gum wrapper was not (*Say his or hers.*).
- Attorney for School: Did the defendant pick up the wrapper as you asked?





Teacher: No, (*Say he or she.*) did not.

Attorney for School: No further questions your honor. (*Return to seat.*)

Judge: (*Say to the Attorney for Defense.*) Does the defense wish to cross-examine the witness?

Attorney for Defense: (*Rise.*) Yes, your honor. (*Move toward witness stand.*)

Attorney for Defense: To your knowledge, how many students in your class chew gum?

Teacher: I'm sure almost all have chewed gum at one time or another.

Attorney for Defense: How many students have you caught chewing gum?

Teacher: Probably about half.

Attorney for Defense: Do you chew gum?

Attorney for School: Objection! That is not relevant.

Judge: Objection sustained.

Attorney for Defense: Do other teachers chew gum?

Attorney for School: Objection!

Judge: Sustained. The Attorney for the Defense may only ask questions relevant to the accused.



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Attorney for Defense: Did you actually see the defendant chewing gum?

Teacher: No, I just saw the wrapper fall to the floor.

Attorney for Defense: From a distance, how could you tell it was a gum wrapper?

Teacher: The defendant sits right in front of my desk. It was easy to see that it was a gum wrapper.

Attorney for Defense: No further questions your honor. (*Return to seat.*)

Judge: (*Say to the teacher.*) Thank you, (*Say teacher's name*). You may return to your seat. (*Say to the Attorney for the School.*) Does the plaintiff have any other witnesses?

Attorney for School: (*Rise.*) No your honor, we rest our case. (*Sit.*)

Judge: Very well, does the defense have any witnesses?

Attorney for Defense: (*Rise.*) Yes, your honor. We call (*Say name of Witness #2*).

Clerk: (*Rise.*) Will (*Say name of Witness #2.*) please come forward to the stand? (*Witness #2 walks to clerk and remains standing.*) Raise your right hand. Do you swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

Witness #2: I do.

Clerk: You may be seated. (*Return to seat.*)

Attorney for Defense: (*Move toward witness stand.*) Please state your name for the record.



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Witness #2:           *(Say real name.)*

Attorney for           Where do you go to school?  
Defense:

Witness #2:           *(Say name of school.)*

Attorney for           Are you in *(Say teacher's name.)* class?  
Defense:

Witness #2:           Yes.

Attorney for           Do you know about the gum rule at school?  
Defense:

Witness #2:           Yes, our teacher told us a long time ago.

Attorney for           How close do you sit to the defendant?  
Defense:

Witness #2:           I sit only one row away.

Attorney for           Did you see the defendant chewing gum?  
Defense:

Witness #2:           The defendant was not chewing gum; *(Say his or her.)* mouth  
                                  was moving because *(Say he or she.)* was talking.

Attorney for           No further questions your honor. *(Return to seat.)*  
Defense:

Judge:               *(Say to the Attorney for the School.)* Does the accuser wish to  
                                  cross-examine the witness?

Attorney for           *(Rise.)* Yes, your honor. *(Move toward witness stand.)* If the  
School:                defendant was talking, who was *(Say he or she.)* talking to?

Witness #2:           I could not tell.



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Attorney for School: Did you hear anyone else's voice?

Witness #2: No, everyone was doing math sheets.

Attorney for School: No further questions, your honor. (*Return to seat.*)

Judge: (*Say to witness.*) Thank you, you may return to your seat.  
(*Say to the Attorney for Defense.*) Does the defense have any other witnesses?

Attorney for Defense: (*Rise.*) Yes, your Honor, we call the defendant to the stand.

Clerk: (*Rise.*) Will (*Say defendant's name.*) please come forward to the stand? (*Defendant moves to the clerk and remains standing.*) Raise your right hand. Do you swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

Defendant: I do.

Clerk: You may be seated. (*Return to seat.*)

Attorney for Defense: (*Move to witness stand and sit.*) Please state your name for the record.

Defendant: (*Say your real name.*)

Attorney for Defense: Did the teacher ever tell you the school rule on chewing gum?

Defendant: Yes, but it was a long time ago.

Attorney for Defense: Have other students gotten caught chewing gum in class?



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Defendant: I know some have gotten caught.

Attorney for Defense: Do you chew sugarless gum?

Defendant: Yes.

Attorney for Defense: Why?

Defendant: Because my dentist tells me to.

Attorney for Defense: Did you chew gum on the day (*Say teacher's name.*) is accusing you of chewing gum?

Defendant: No, I did not chew gum on that day. I was just talking.

Attorney for Defense: No further questions your honor. (*Return to seat.*)

Judge: (*Say to Attorney for the School.*) Does the plaintiff wish to cross-examine the witness?

Attorney for School: (*Rise.*) Yes, your Honor. (*Move toward witness stand.*) When you were talking in class, who were you talking to?

Defendant: Myself.

Attorney for School: If you were not chewing gum, why was there a gum wrapper on the floor by your desk?

Defendant: It fell out of my notebook.

Attorney for School: Do you always keep empty gum wrappers in your notebook?

Defendant: Only if I've been chewing gum, like after school or while I'm doing homework.



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- Attorney for School: No further questions, your honor. (*Return to seat.*)
- Judge: (*Say to defendant.*) You may be seated. (*Defendant returns to seat.*) (*Say to Attorney for Defense.*) Does the defense have any other witnesses?
- Attorney for Defense: (*Rise.*) No, your honor, we rest our case. (*Sit.*)
- Judge: Are the Attorneys ready with a closing argument?
- Both Attorneys: We are, your Honor.
- Attorney for Defense: No witness testified that they actually saw (*Say name of defendant.*) chewing gum. The evidence presented does not prove that the Defendant was chewing gum in the classroom. It is based on selected facts, not on eyewitness testimony. No one saw the Defendant chewing gum.
- Attorney for School: The Defendant testified that the gum wrapper fell out of (*Say his or her.*) notebook. At least one witness saw the Defendant making chewing motions with (*Say his or her.*) mouth. And the Defendant testified that (*Say he or she.*) only kept empty gum wrappers in (*Say his or her.*) notebook if (*Say he or she.*) had been chewing gum.
- Judge: (*Turn toward jury, and speak loudly and clearly to instruct them.*) Ladies and gentlemen of the jury, you must reach a verdict based on the evidence presented in this trial.
- If you are convinced, beyond a reasonable doubt, that the defendant chewed gum in class, you must return a verdict of GUILTY.
- If the evidence was not convincing, you must return a verdict NOT GUILTY.



RANGER: (*Walk to front of Jury box.*) Class, at this time in a real trial, the Bailiff would lead the jury out of the courtroom, to a private room where they would discuss the evidence. The Bailiff would stand outside the juryroom door until they all agreed on a verdict, then lead the Jury back to their seats in the courtroom.

However, we want every student to observe a jury deliberation process. Since this is only pretend, not a real case, our jury will remain in our class courtroom. **IT IS VERY IMPORTANT WE ALL LISTEN QUIETLY, SO WE DO NOT DISTRACT THEIR DELIBERATION.**

(*Jury deliberates and makes a decision.*)

Jury Foreperson: (*Say to the Judge.*) Your Honor, we have a verdict.

Judge: Will the defendant please rise and face the jury. (*Defendant rises and faces the jury.*) Now may we hear the verdict from the jury?

Jury Foreperson: Your honor, the jury finds the defendant (*Say guilty or not guilty.*) of chewing gum in class.

**(ONLY ONE VERDICT IS TO BE READ.)**

### **IF THE VERDICT IS NOT GUILTY**

Judge: (*Say the Defendant's name.*), you have been found NOT GUILTY of chewing gum in (*Say the teacher's name.*) classroom.

The jury has found you not guilty of breaking any rule, therefore no punishment can be given in this case. However, you are reprimanded by this court for being a litterbug for not picking up your gum wrapper. You are now free to go. This court is adjourned. (*Strike gavel twice.*)



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Bailiff: All rise. (*Judge exits room.*)

(*Go to Ranger's part.*)

### **IF THE VERDICT IS GUILTY**

Judge: (*Say the Defendant's name.*), you have been found GUILTY of the charge of chewing gum in (*Say the teacher's name*) classroom, and are ordered by this court to eat your lunch with the school Principal for one week.

Also, you are reprimanded by this court for being a litterbug for not picking up your gum wrapper. You are further ordered to pick up litter on the school yard during all recesses for the next two school days. It is important for all people to take care of the environment. This court is adjourned.  
(*Strike gavel twice.*)

Bailiff: All rise. (*Judge exits room.*)

Ranger: We hope that you enjoyed the Bubble Gum Trial. It is the responsibility of each of you to be a good citizen and care for the environment. We don't want to leave the earth worse than we have found it. Please remember to walk lightly in our environment, whether at your school, on a public street, or in a National Park, like the Old Courthouse.



## **APPENDIX**

### **THE BUBBLE GUM TRIAL**

The Bubble Gum Trial was modeled after many of the civil court cases which were tried in the Old Courthouse in the late part of the 19th and the early part of the 20th centuries. This trial script gives a general idea of the participants and the structure of civil trials. In this type of trial, one party sues another for damages. Civil trials do not involve police or jail sentences because they are not criminal cases. Civil cases were the kind of cases most often heard at the Old Courthouse.

The Old Courthouse was completed in 1862 after twenty-three years of construction. More than one of the cases first tried in its courtrooms was appealed and argued in the United States Supreme Court. St. Louis citizens are deservedly proud of the heritage the Old Courthouse represents. Just a few years after the new civil courts building opened in 1930, the Old Courthouse was donated to the National Park Service, and placed on the National Register of Historic Structures. Today the building contains many opportunities for learning, with the museum galleries depicting St. Louis history, the rotunda, which served as a public forum, and two restored courtrooms.

**FOR MORE INFORMATION ON TRIALS, CONTACT THE  
FOLLOWING NATIONAL PARKS:**

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(314) 655-1600  
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[www.nps.gov/jeff/](http://www.nps.gov/jeff/)

Brown v Board of Education National Historic Site  
424 South Kansas Avenue, Suite 220  
Topeka, Kansas 66603-3441  
(785) 354-4273  
Fax (785) 354-7213  
[www.nps.gov/brvb/](http://www.nps.gov/brvb/)

Women's Rights National Historic Park  
136 Fall Street  
Seneca Falls, New York 13148  
(315) 568-0024  
Fax (315) 568-2141  
[www.nps.gov/wori/](http://www.nps.gov/wori/)

Fort Smith National Historic Site  
P.O. Box 1406  
301 Parker Avenue  
Fort Smith, Arkansas 72902  
(501) 783-3961  
Fax (501) 783-5307  
[www.nps.gov/fosm/](http://www.nps.gov/fosm/)



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